Site-Specific Standards

Ontario protects air quality through a comprehensive air management framework that includes regulations, targeted programs and partnerships with other jurisdictions to address sources of air pollution. This framework addresses emissions from the electricity sector (including coal-fired generation stations), vehicles, cross-border sources, as well as commercial and industrial facilities.

Ontario's local air quality regulation (O. Reg. 419/05: Air Pollution – Local Air Quality) works within the province's air management framework by regulating air contaminants released into communities by various sources, including local industrial and commercial facilities. The regulation aims to limit exposure to substances released into air that can affect human health and the environment, while allowing industry to operate responsibly under a set of rules that are publicly transparent.

The regulation includes three compliance approaches for industry to demonstrate environmental performance and make improvements when required. Industry can:

- meet the general air standard
- request and meet a site-specific standard or
- register and meet the requirements under a sector-based technical standard (if available).

All three approaches are allowable under the regulation.

Provincial air standards are set based on science, and therefore, may not be achievable by a facility or a sector due to unique technical or economic limitations. Instead of making the air standard less stringent, the regulation allows facilities or sectors to exceed the general air standard as long as they are working to reduce their air emissions as much as possible with technology-based solutions and best practices. The Ministry of the Environment closely oversees their progress using a framework for managing risk that was developed in cooperation with public health units in Ontario and other stakeholders.

Some facilities may never meet the general air standard and instead will be regulated under one of the other compliance approaches.

What is a Site-Specific Standard?

A site-specific standard is an air concentration approved by a director of the Ministry of the Environment for an individual facility that is challenged in meeting the air standard. This compliance approach focuses on actions an individual facility can take to reduce emissions to air as much as possible, considering the

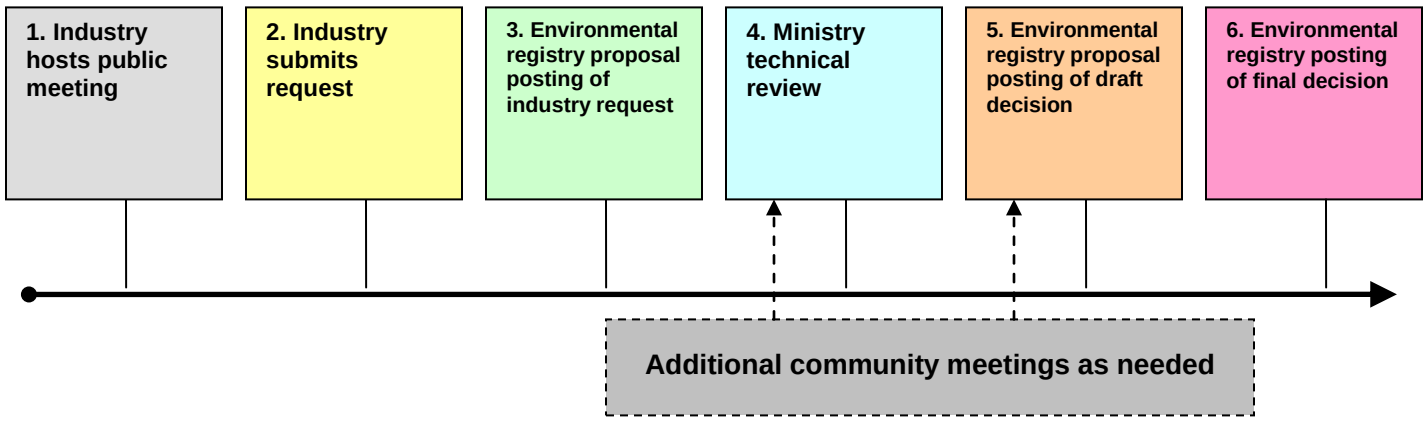
technology that is available and best operational practices. Economic factors may also be considered.

Under this compliance approach, the individual facility would continue to assess compliance using modelling and/or a combination of modelling and measurement against a site-specific concentration for a particular contaminant.

The site-specific standard approval process follows the ministry's framework for managing risk, which was developed in consultation with Ontario public health agencies and other stakeholders. The process sets out the need for timely action to be taken to reduce emissions, where necessary, from key sources of a contaminant, thereby reducing risks to local communities.

Sometimes significant investments may be needed to keep pace with new or updated regulatory requirements. If so, the site-specific standard approved by the Ministry of the Environment allows a facility the time needed to assess and implement technology or operational adjustments to improve their environmental performance within an approved timeframe.

Site-Specific Standard Process


1. Industry hosts public meeting
2. Industry submits request
3. Environmental registry proposal posting of industry request
4. Ministry technical review
5. Environmental registry proposal posting of draft decision
6. Environmental registry posting of final decision
Additional community meetings as needed

How Is a Request for a Site-Specific Standard Approved?

Before submitting a request, a facility must take specific steps to assess emissions, develop an action plan and inform local communities of their compliance proposal by hosting a public meeting. Then they are required to submit a proposed plan to the ministry for review.

The proposed site-specific standard request includes a comparison of technologies by similar facilities around the world to determine whether or not the same can be achieved by their own facilities. The resulting plan sets out actions to reduce emissions to air as much as possible considering the technology that is

available and best operational practices. Economic factors may also be considered.

The request includes detailed information about the frequency, magnitude, and duration of exposures above the air standard. This information is used to consider the potential for effects in order to determine appropriate actions to manage risk.

Upon receiving the request, the Ministry of the Environment will post the company's request on Ontario's Environmental Registry for public comment. The Ministry of the Environment will conduct a technical review of the request and consider whether or not appropriate measures are being proposed to minimize exposures in the local community. This may involve additional meetings with the company. Depending on the level of public interest, additional community meetings may be coordinated to help explain the request and receive input from local stakeholders.

A draft decision will be posted on the Environmental Registry for public comment. Comments received from the public are considered in the development and finalization of the decision.

The company will be given an opportunity to review the final documents before a decision is made and a final decision notice is posted on the Environmental Registry.

A site-specific standard request can be approved for a period of five years to 10 years, upon which a facility may make a subsequent request. Subsequent requests (with no significant changes) may not require industry to host a public meeting. However, if there is public interest, a public meeting will be considered.

Operating Under a Site-Specific Standard

Once a site-specific standard has been approved, a facility must implement its action plan. The decision on a site-specific standard could involve significant investments in best available pollution control technologies and implementation of operational improvements.

Facilities operating under a site-specific standard approval may be required to submit reports to the Ministry of the Environment in order to determine progress.

Monitoring and reporting requirements can also be included in the site-specific standard decision so facilities can demonstrate that continuous improvements are being made.

Once approved, the site-specific standard becomes the compliance point for a facility. A facility is obliged to meet and maintain compliance with the site-specific

standard within a defined timeframe or risk being prosecuted. If any conditions are part of the approval but are not followed, the site-specific standard ceases to exist and the air standard in the regulation would apply instead.

Community Consultation

Public transparency is an important element of the local air quality regulation. Site-specific standards are developed with requirements for a facility to consult with its local community before a request is made, as well as for the Ministry of the Environment to engage the public to ensure information about a facility's request is accessible and community comments are considered in the ministry's decisions. Members of the community may request a copy of the request for a site-specific standard for their review. Companies are also required to provide a summary of what is being requested at the public meeting.

All requests for site-specific standards are posted on the Environmental Registry for public comment.

The decision to approve a site-specific standard for some facilities may require the facility and the Ministry of the Environment to consult if there is a potential to adversely impact an existing or asserted Aboriginal or treaty rights of First Nation or Métis communities. In such cases, the Ministry of the Environment will work with facilities and potentially affected First Nation or Métis communities.

What is the outcome for this compliance approach?

Emissions are reduced when industrial and commercial facilities invest in new technology solutions and implement best practices.

Although facilities operating under a site-specific standard may not meet the general air standard, the reduction in emissions reduces risks to local communities according to the framework for managing risk under the regulation.

Requests for renewed site-specific standards also require periodic review of technologies and best practices, which ensure continuous improvement over time.

Where can I get more information?

For further information about Ontario's Local Air Quality Regulation and site-specific standards, please visit the Ministry of the Environment's web site at www.ene.gov.on.ca or contact:

Public Information Centre
Ministry of the Environment
Tel: (416) 325-4000 or 1-800-565-4923
TTY Line (for persons who are deaf or hard of hearing):

416-326-9236 or 1-800-515-2759
Email: picemail.moe@ontario.ca

This fact sheet is for information purposes. If there is a discrepancy between this fact sheet and the legislation, the legislation prevails.

Aussi disponible en français.

© Queen's Printer for Ontario, 2013
PIBS 6034e01

July 2013